

# IN THE UNITED STATE DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA NORTHEASTERN DIVISION

EDWIN R. BANKS,	)
Plaintiff,	) )
<b>v.</b>	) Case No. 5:20-cv-0565-LCB
ALEX AZAR, in his official capacity as	) )
Secretary of the U.S. Department of	
Health and Human Services,	)
Defendant.	)

## **NOTICE OF APPEAL**

Pursuant to the Federal Rules of Appellate Procedure, notice is hereby given that Plaintiff, Edwin Banks, appeals to the United States Court of Appeals for the Eleventh Circuit ("Eleventh Circuit") from the December 16, 2021 Memorandum Opinion and Order (Doc. 83) of the District Court for the Northern District of Alabama granting Defendant's Motion to Dismiss, denying Plaintiff's Motion for Discovery, dismissing Plaintiff's complaint without prejudice, and directing the Clerk to close the case.

Furthermore, in light of the earlier appeal of the merits of the March 30, 2021 Order of the District Court, finding the doctrine of collateral estoppel inapplicable to Plaintiff's claims, and this Court's disposition of that appeal so that the District Court could address the standing issue, *see Banks v. Sec'y of Health & Hum. Servs.*,

No. 21-11454, 2021 WL 3137562 (11th Cir. July 26, 2021), notice is hereby given the Plaintiff intends to address in this appeal the merits of the March 30, 2021 Order of the District Court.

Respectfully submitted,

/s/Robert R. Baugh
Robert R. Baugh
Attorney for Plaintiff

### **OF COUNSEL:**

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 10, 2022 I filed the foregoing with the Clerk of Court via the CM/ECF electronic filing system which will send electronic notice of the foregoing pleading to all counsel of record.

/s/Robert R. Baugh OF COUNSEL